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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
|-----------------|-------------|----------------------|---------------------|------------------|

10/626,154

07/24/2003

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1859-SPL

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EXAMINER

JEANTY, ROMAIN

ART UNIT

PAPER NUMBER

3623

MAIL DATE

DELIVERY MODE

02/20/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



## Office Action Summary

Application No.

10/626,154

Applicant(s)

LEW ET AL.

Examiner

Romain Jeanty

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 24 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_



### DETAILED ACTION

1. This Non-Final office action is in response to filing of this application on July 24, 2003.

#### Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claim 30 is rejected under 35 U.S.C. 102(e) as being anticipated by Weiner et al (US Patent No. 6,631,184).

Regarding claim 30, Weiner discloses a method for generating feedback. In so doing, Weiner discloses:

a) a media player, which includes means for receiving media content associated with a request for feedback information (col. 3, lines 24-29), a display for providing an output of the media content to the user (col. 4, lines 15-33), and a first transmitter for transmitting the request for feedback information to a remote responding device for responding to the request for feedback information (col. 7, lines 42-58), and b) the remote responding device, which includes a receiver for receiving the request for feedback information (col. 4, lines 15-33), a keypad for inputting feedback information, and a second transmitter for transmitting the inputted feedback information to a central facility (col. 3, line 4 through col. 4 line 4).



**Claim Rejections - 35 USC § 103**

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was

5. Claims rejected under 35 U.S.C. 103(a) as being unpatentable over Weiner et al (US Patent No. 6,631,184).

Regarding claims 1-2, 11, Weiner discloses a method for generating feedback. In so doing, Weiner discloses:

a) a media player having a receiver for receiving media content containing a request for feedback information, and a first display for providing an output of the media content to the user (col. 3, lines 24-29), a remote responding device having a receiver for receiving the media content containing a request for feedback information modulated onto the media content information (col. 4, lines 15-33), a keypad for inputting feedback information, and a transmitter for transmitting the inputted feedback information to a central facility (col. 7, lines 42-58).

Weiner discloses all of the limitations above but fails to disclose information modulated onto the media content and a demodulator for demodulating the feedback information from the media content. However, Official Notice is taken that using a demodulator to extract and preventing illicit copying of the media content is old and well known in the communication art. It would have been obvious to a person of ordinary skill in the art to modify the disclosures of Weiner to include this well known feature into Weiner in order to efficiently extract the feedback



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information and preventing illicit copying of the media content.

Regarding claims 3-4, Weiner fails to explicitly disclose a decryptor for decrypting the request for feedback information to produce a decrypted request for feedback information, the decryptor being incorporated into the responding device, wherein the request for feedback information is encrypted. Official Notice is taken that it is old and well known in the encryption art to decrypt and encrypt information such as feedback information in order to prevent the information from being accessed from more than one users. It would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to have incorporated this well known feature in the disclosures of Weiner in order to allow the control of the information.

Regarding claim 5, Weiner discloses a second display for displaying the request for feedback information, the display being incorporated into the responding device, wherein the request for feedback information includes display data which the display uses to display the request for feedback information (col. 4, lines 15-33).

Regarding 6, Weiner further discloses a memory for storing the inputted feedback information, the memory being incorporated into the responding device (col. 6, lines 51-65).

Regarding 7, Weiner discloses a positioning system receiver for acquiring location data, the positioning system receiver being incorporated into the responding device, wherein the memory further stores the location data, and wherein the transmitter concurrently transmits the location data and the feedback information (col. 6 line 66 through col. 7 line 17).

Regarding claim 8, Weiner further discloses wherein the positioning system receiver acquires the location data when the user inputs the feedback information (col. 9, lines 16-28).

Regarding claim 9, Weiner further discloses wherein the positioning system receiver



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acquires the location data when the responding device receives the request for feedback information (col. 6, line 66 through col. 7, line 17).

Regarding claim 10, Weiner discloses a terminal connected via a modem to access feedback/ratings server (col. 6, lines 14-21), but Weiner fails to explicitly disclose the feature of a cradle for receiving the responding device, the cradle including a modem for transmitting inputted feedback information to a central location, wherein the transmitter is adapted to transmit feedback information to the modem included in the cradle. It would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to have included this feature in the disclosures of Weiner in order to access the feedback information.

Regarding claim 12, Weiner further discloses wherein the responding device is incorporated into a mobile communications terminal which is comprised of at *least one* of a laptop, a Personal Digital Assistant (PDA), and a cellular telephone (col. 2, lines 44-51).

Regarding claim 13, Weiner further discloses wherein the responding device is incorporated into a mobile communications terminal which is comprised of at least one of a laptop, a Personal Digital Assistant (PDA), and a cellular telephone, and wherein a processor of the at least one of a laptop, a PDA, and a cellular telephone (col. 2, lines 44-51), including the decryptor of the responding device. Note rejection of claim 1 above.

Regarding claim 14, Weiner further disclose wherein the responding device is incorporated into a mobile communications terminal which is comprised of at *least one of* a laptop, a Personal Digital Assistant (PDA), and a cellular telephone, and wherein a processor of the at least one of a laptop, a PDA, and a cellular telephone (col. 2, lines 44-51), including the encryptor of the responding device. Note rejection of claim 1 above.



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Regarding claim 15, Weiner further discloses wherein the means for conveying includes **at least one of** a radio frequency transmitter, a **network**, a DVD, or a CD (col. 3, lines 24-35).

Regarding claim 16, Weiner further discloses wherein the at least one media player includes **at least one of** a television, a stereo system, a radio, a portable music player, a DVD player, a CD player, MP3 player and a computer (col. 1, lines 40-57).

Regarding claims 17 and 22, Weiner fails to explicitly disclose wherein the request for feedback information includes at least one of program coding information and inquiry coding information. However, Official Notice is taken that it is old and well known in the art to provide a program for coding information data stored in a computer-readable medium for performing the steps claimed method. It would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to have incorporated a program coding information in the disclosures of Weiner in order to perform the steps of communicating the feedback information.

Claim 18-19 are method claims which recite similar of system claim 1 and 2 above; therefore claims 18-19 are rejected under the same analysis relied upon of claim 1-2.

Claim 20-21 are method claims which recite similar of system claim 3 and 4 above; therefore claims 20-21 are rejected under the same analysis relied upon of claim 3 and 4.

Regarding claim 23, Weiner further discloses the step of displaying the request for feedback information on a display of the responding device, wherein the request for feedback information includes display data used by the display to display the request for feedback information (col. 3, lines 23-28 and col. 7, lines 42-58).

Regarding claim 24, Weiner further discloses the step of displaying the request for



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feedback information using the media player, wherein the media content includes a request for feedback information (col. 3, lines 23-28).

Claim 25 recites similar of system claim 10 above; therefore claim 25 is rejected under the same analysis relied upon of claim 10.

Regarding claim 26, Weiner further disclose the step of acquiring location data using a positioning system receiver of the responding device, wherein the feedback transmitting step further comprises transmitting the location data concurrently to transmitting the feedback information (col. 6, line 66 through col. 7, line 17).

Regarding claim 27, Weiner further discloses wherein the acquiring step is performed when the user inputs the feedback information (col. 3, lines 24-29).

Regarding claim 28, Weiner further discloses wherein the acquiring step is performed when the responding device receives the request for feedback (col. 3, lines 24-29).

Regarding claim 29, Weiner further discloses the step of wirelessly transmitting the feedback information to a modem for transmission to the central facility (col. 6, lines 14-21).

### **Conclusion**

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. Frohback (US Patent No. 4,107,735) discloses a television viewer survey systems.
- b. Rapaprot (U.S. Patent No. 5,890,152) discloses a method for displaying data to a user, input means for supplying input data in response to a user's input and storing a Personal Feedback browser and a Personal Profile database.



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c. Boe et al (U.S. Patent No. 6,236,975), discloses a method that provides a customer with customer questions, receive responses to the customer questions from the customer, and store data associated with the responses. The customer is provided with a feedback page that graphically illustrates data associated with the customer's standing in a selected peer group.

d. Shamon et al (7,233,948), discloses means for governing content streams or objects, decryption means for decrypting content streams or objects, and feedback means for tracking use of content streams or objects.

e. Hars (U.S. Patent No. 7,302,575), discloses a method of further increasing the difficulty of copying digital content including a demodulator which impose a degree of difficulty on illicitly importing to a secure domain the digital content.

f. Kraft et al (U.S. Patent No. 6,912,521), discloses a computer program product comprising: a computer usable medium having computer readable program code means embodied therein for causing a computer to manage a survey within a real-time paradigm based on real-time information.

g. Walker et al (U.S. Patent No. 6,616,458), discloses a method for receiving a survey including survey questions from a client, creating a respondent questions based on the survey questions.

h. David (WO9959096), discloses a customer survey system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Romain Jeanty whose telephone number is (571)272-6732. The examiner can normally be reached on Mon-Thurs 7:30 am to 6:00 pm.



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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq R. Hafiz can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

RJ

February 4, 2008

*Romain J. Leaty*  
*Primary Examiner*  
*Art Unit 3623*